

PM-19755
State of Maine
Waiver of Competitive Bidding Request Form

Form Instructions: Please provide the requested information in the white boxes below. This form is to precede all contract requests that are not the direct result of a competitive bid process.

Requesting Department's Contract Administrator:	Erin Summers	Office/Division/Program of Contract Administrator:	Biological Monitoring
Est. Contract Amount:	\$ 17,031	Contract or RQS Number:	
Proposed Start Date:	Oct 15, 2019	Proposed End Date:	Sept 30, 2020
Vendor/Provider Name, City, State:	Christopher Tremblay, Winterport, ME VC1000016287		
Short Description of Good or Service:	Deploy and retrieve passive acoustic receivers every 4-5 months until 12 full months of recording has been accomplished and downloaded.		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Procurement Services website for a period of seven consecutive calendar days.	<p>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>09/30/2019</u> To: <u>10/06/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0920191621		
1. Statutory Justification			
State of Maine statute (5 M.R.S. §1825-B(2)) allows waivers of competitive bidding only for the specific reasons listed below. Please mark the appropriate box (X) next to the justification which applies to this specific request.			
<input type="checkbox"/>	A. The procurement of goods or services by the State for county commissioners pursuant to Title 30-A, section 124, involves the expenditure of \$2,500 or less, and the interests of the State would best be served;		
<input type="checkbox"/>	B. The Director of the Bureau of General Services is authorized by the Governor, or the Governor's designee, to make purchases without competitive bidding because, in the opinion of the Governor or the Governor's designee, an emergency exists that requires the immediate procurement of goods or services;		
<input type="checkbox"/>	<i>If citing the above justification for this Waiver of Competitive Bidding request, please have the requesting Department's Commissioner or Chief Executive (as the Governor's "designee") sign and date on the right.</i>	<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i>	
		Signature:	
		Printed Name:	Date:
<input checked="" type="checkbox"/>	C. After reasonable investigation by the Director of the Bureau of General Services, it appears that any required unit or item of supply, or brand of that unit or item, is procurable by the		

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	State from only one source;
	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;
	E. The purchase is part of a cooperative project between the State and the University of Maine System, the Maine Community College System, the Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State involving: (1) An activity assisting a state agency and enhancing the ability of the university system, community college system, Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State to fulfill its mission of teaching, research, and public service; (2) A sharing of project responsibilities and, when appropriate, costs;
	<i>If citing the above justification for this sole source request, please note that the specific approval of the Governor's Office is required, in accordance with Executive Order 26 FY 11/12, "An Order to Enhance Competitive Bidding". The approval must be documented on DAFS/BGS/Division of Procurement Services "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i>
	F. The procurement of goods or services involves expenditures of \$10,000 or less, in which case the Director of the Bureau of General Services may accept oral proposals or bids;
	G. The procurement of goods or services involves expenditures of \$10,000 or less, and procurement from a single source is the most economical, effective and appropriate means of fulfilling a demonstrated need.
	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:

Please note that the following four points below (#2 through 5) all require a response.

2. Description of Specific Need

Please identify, and fully describe, the specific problem, requirement, or need the resulting non-competitive contract would address and which makes the goods or services necessary. Explain how the requesting Department determined that the goods or services are critical and/or essential to agency responsibilities or operations.

The Department is doing a research project in collaboration with NOAA Fisheries' Northeast Fishery Science Center to detect endangered North Atlantic right whales in the coastal waters of Maine. These data are important and time sensitive around the issue of introducing new regulations to the Maine lobster fishery to reduce the entanglement of right whales. The detections of right whales will be done using the deployment of passive acoustic equipment called sound traps. Eight sound traps will be deployed at different locations across Maine starting in October and will need to be retrieved and re-deployed every four months to swap out the battery and download the data. The sound traps will all record for at least 12 consecutive months. The services we are requesting are to help with the logistics of deploying, retrieving, downloading data, and swapping out batteries. Sounds traps are new technology and no one within the State has the experience to complete this project without being trained by someone who has worked with sounds traps. The requested provider is the only provider within the State of Maine with the experience to begin deployments immediately. Additionally, Department staff will participate on all deployments and retrievals. The Provider will incorporate training Department staff into protocols so that the State will have the expertise for this work in the

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future. Additional deployments of sounds traps in Maine in the future will not rely on external services.

3. Availability of other Public Resources

Please explain how the requesting Department concluded that sufficient staffing, resources, or expertise is not available within the State of Maine's government, or other governmental entities (local, other state, or federal agencies) external to the requesting Department, which would be able to address the identified need more efficiently and effectively than the identified vendor.

No one within the State of Maine has done work with sound traps deployed in the marine environment. This vendor is the only Provider known within the State of Maine to have this knowledge and expertise. The Department is working the NOAA Fisheries' Northeast Fishery Science Center (NEFSC) on this project. This is the vendor that was identified by collaborators as being able to perform these functions with this technology and he has worked with the NEFSC in the past on these types of projects. It will not be logistically possible to plan deployments and retrievals around schedules and have someone from the NEFSC travel up to Maine to assist with this work. A working knowledge of the technology is imperative to the project. If it is not performed correctly there is a risk of not recovering the gear from the ocean or not recording data (and there is no way to tell for 4-5 months that it wasn't done correctly). Either failure would cost the State of Maine time and funds.

4. Cost

Since a waiver of competitive bidding is being requested for this procurement, please explain how the requesting Department concluded the negotiated costs, fees, or rates are **fair and reasonable**.

The hourly rate of \$35.48 is what the Provider required for his time and is in line with the cost associated with other similar projects done between the Provider and our collaborators at the NEFSC.

5. Future Competition

Please describe potential opportunities which may be available to foster competition for these goods or services in the future.

The Department will not require these services in the future. Part of the process in the project this year is to have Department staff also participate in the deployments and retrievals and be trained on the use of the technology. The Department will be equipped to used internal staff for these projects in the future.

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Please note that only one of the two points below (“Uniqueness” or “Timeframe”) requires a response. Requesting Departments are not required to respond to both points.

6. Uniqueness

Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

This provider has unique experience with this specific technology. No one else in the State of Maine has worked with sound traps on previous projects and is known to have the same knowledge and expertise. The provider will also share his knowledge and train Department staff on the use of this technology as a part of this project.

7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. impact if delayed beyond this date). Also, provide information as to how it was determined this vendor is the best option to address this time-sensitive procurement.

Signature of requesting Department's
Commissioner or Chief Executive
(or designee within the
Commissioner's Office):

*By signing below, I signify that my Department requests,
and I approve of, this Waiver of Competitive Bidding.*



Printed Name:

Carl J. Wilson, Director

Date:

Maine Department of Marine Resources
Bureau of Marine Science

9/27/19